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JURIDICAL ANALYSIS OF IMPRISONMENT SENTENCES FOR PERPETRATORS OF EMBEZZLEMENT BY TRUCK DRIVERS (A STUDY OF DECISION NUMBER 288/PID.B/2025/PN SRH)

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Abstract

Based on the results of the study, it shows that the process of the crime of embezzlement of cargo by the driver in Decision Number 288 / Pid.B / 2025 / PN Srh began when the victim ordered the Defendant to pick up oil palm shells in Siak Regency, then the Defendant transported 32 tons of oil palm shells and took them to the Patumbak area. However, on the way the defendant sold 10 tons of the shells to an unknown person. The proof of the criminal elements in the crime of embezzlement in Decision Number 288 is correct, namely the proof of the elements has been proven based on evidence of witness testimony, the defendant, and evidence of indications. The legal analysis of the prison sentence against the truck driver who embezzled his cargo in Decision Number 288 is that the defendant was sentenced to 2 years in prison. The sentence is considered to have taken into account the principles of justice and legal effectiveness

Keywords: (Legal Analysis, Prison Sentence, Perpetrator, Crime, Truck Driver Embezzlement)

1. INTRODUCTION

One common type of crime occurring within companies is embezzlement committed by employees. An example of this is the embezzlement case involving a tronton truck driver carrying palm oil shells, as recorded in the decision of the Sei Rampah District Court Number 288/Pid.B/2025/PN Srh. Based on the case chronology, it was found that the tronton truck driver embezzled a shipment of palm oil shells he was transporting from PT. Libo Sawit Perkasa in Siak Regency, Riau Province, to the city of Medan. During the journey, he sold part of the palm oil shells to a fence, then left the truck and its registration papers (STNK) with a cafeteria owner in the Perbaungan area, Serdang Bedagai, claiming he was feeling unwell and wanted to rest, before fleeing to Bukit Kapur, Riau Province. As a result of his actions, the victim, Andrew, suffered a loss of IDR 35,000,000. In its decision, the panel of

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judges sentenced the perpetrator to 2 (two) years of imprisonment. A juridical analysis of the criminal sentencing for the truck driver who embezzled the shipment is urgent, as it involves identifying the appropriate legal articles, proving the criminal elements, ensuring justice, resolving the issue within the employment context, mitigating supply chain impacts, and establishing lawful detention procedures.

2. METHODOLOGY

This study uses a normative legal research method (normative juridical) with a descriptive-analytical nature, which aims to describe and analyze the applicable legal provisions and their implementation in law enforcement practice.

The statutory approach involves examining various regulations related to the criminal act of embezzlement, namely the Indonesian Criminal Code (KUHP) and its implementing regulations. The case approach involves an in-depth analysis of the Sei Rampah District Court Decision Number 288/Pid.B/2025/PN Srh as the main object of the study.

The data sources used in this study are secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and court decisions. Secondary legal materials include books, scholarly journals, and research results related to embezzlement crimes and their enforcement. Tertiary legal materials include legal dictionaries and legal encyclopedias. Data collection was conducted through library research.

Data analysis was conducted qualitatively by interpreting the legal norms and factual elements contained in the court decision. The results of the analysis are presented systematically to provide a comprehensive overview of embezzlement crimes.

3. RESEARCH RESULTS AND DISCUSSION

Based on the research and discussion, it was found that the embezzlement of the shipment by the truck driver, as outlined in the Sei Rampah District Court Decision Number 288/Pid.B/2025/PN Srh, began when the Defendant was driving the victim's truck to deliver fertilizer to Duri City, Riau Province. The victim instructed the Defendant to collect palm fruit shells at PT. Libo Sawit Perkasa in Siak Regency, Riau Province. The Defendant went to the location, loaded 32 tons of palm fruit shells, and transported them to PT. Universal Gloves

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in the Patumbak area. However, during the journey, specifically in Kisaran, the Defendant sold 10 tons of the shells to an unknown person. The Defendant continued the journey to Rini's café in Perbaungan, left the truck keys with the café owner, and took a bus to Bagan Batu. As a result, the victim suffered a loss of IDR 35,000,000.

The embezzlement occurred due to a breach of the Defendant's obligations as a driver responsible for the shipment. Selling part of the cargo without permission and leaving the truck and its contents constitute the elements of embezzlement under criminal law. This incident demonstrates the Defendant's unlawful intent and resulted in material losses for the victim.

The proof of criminal elements in the embezzlement committed by the truck driver in Sei Rampah District Court Decision Number 288/Pid.B/2025/PN Srh was carried out properly, namely proving the elements of: "Any person" (barang siapa) – the Defendant; Intentionally and unlawfully possessing someone else's property, wholly or partially, that is in their control not because of a crime; The act was committed by a person whose control over the property is due to an employment relationship or a task undertaken for compensation.

This was proven based on the victim's testimony, witness testimony regarding the embezzlement process, witnesses involved in the apprehension, the Defendant's confession, and supporting evidence. All evidence is consistent and mutually reinforcing.

The proof shows that the Defendant controlled 10 tons of palm fruit shells, wholly or partially owned by the victim. The Defendant had control due to his role as the driver responsible for the cargo. He intentionally sold part of the shipment without the owner's permission, which constitutes an unlawful act. The embezzlement was done consciously and aimed to unlawfully take ownership of the property. The Defendant's control was based on his employment as a driver, not due to any prior crime. All evidence corroborates one another, proving the embezzlement elements in a legally convincing manner.

The juridical analysis of the prison sentence for the truck driver who embezzled the shipment in Sei Rampah District Court Decision Number 288/Pid.B/2025/PN Srh shows that the Defendant was sentenced to 2 years in prison for violating Article 374 of the KUHP. The 2-year sentence is considered in accordance with the law, taking into account justice and legal effectiveness. However, the punishment should also balance other aspects, such as deterrence

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and restorative justice principles. Ideally, the sentence should include rehabilitation efforts and compensation to the victim.

Article 374 KUHP regulates embezzlement committed either jointly or individually, punishable by imprisonment. The 2-year sentence aligns with this article, reflecting the severity of the offense. The sentence is proportionate, ensuring legal certainty and substantive justice, while not being excessive. Juridically, the punishment should achieve deterrence and restitution. Although the 2-year sentence is materially appropriate, it should ideally be accompanied by rehabilitation and restitution programs.

In practice, punishment should not only be punitive but also aim to make the Defendant recognize the wrongdoing, receive guidance, and compensate the victim. This ensures that legal enforcement is not only punitive but also constructive, preventing similar future offenses. The 2-year sentence is thus considered appropriate, fair, and effective, with the addition of rehabilitation and restitution programs recommended to fulfill restorative justice principles.

4. CONCLUSION

The conclusion of the case of embezzlement of cargo by the truck driver in Decision Number 288/Pid.B/2025/PN Srh is that the Defendant, employed to transport palm fruit shells from Siak Regency to Patumbak, sold part of the shipment without permission, thereby fulfilling the elements of embezzlement. The proof of these elements was conducted properly, based on witness testimony, Defendant's confession, and supporting evidence, which mutually reinforced the facts in court.

Regarding the 2-year prison sentence, it is legally appropriate, reflecting the principles of justice and legal effectiveness. The court's decision considered legal proportionality, justice for both the victim and the Defendant, and provided a deterrent effect to prevent similar crimes in the future.

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